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HAND CARRY - GROUP ART 3635  
RESPONSE AFTER FINAL  
EXPEDITED PROCEDURE GROUP 3635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application  
Bernard Paul Joseph THIERS

Examiner: Kevin McDermott

Group Art Unit: 3635

Serial Number: 09/805,234

Attorney Docket: THIE3001/JEK

Filed: March 14, 2001

For: FLOOR COVERING

RESPONSE AFTER FINAL REJECTION AND NOTICE OF APPEAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

1. General

This is responsive to the Official Action dated October 30, 2002 finally rejecting claims 8, 9, 17, 18 and 22. Reconsideration of the rejection is requested in view of the amendments and comments submitted herewith.

2. Background

A response to the Official Action of October 30, 2002 was timely filed on April 10, 2003 accompanied by payment for and a petition seeking an extension of time enlarging the time for response up to three months from the date of the action. The record of this application indicates that this response was lost in the Office after it was filed and a duplicate copy of the responsive papers was filed on April 29, 2003 accompanied by a Notice of Appeal. An Appeal Brief in this case if the appeal is

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required, is due June 29, 2003.

By an Advisory Action dated May 6, 2003, entry of the Amendment After Final Rejection was refused on grounds that the proposed amendments raised new issues that would require further consideration and presented additional claims without canceling a corresponding number of finally rejected claims.

Among the amendments proposed after final rejection were certain amendments to the allowable claims, specifically claim 1 and other claims depending from claim 1. The Examiner's Advisory Action does not inform Applicant whether or not the proposed amendments to the allowable claims raised any issues that would require further consideration and/or search. It is respectfully submitted that proposed amendments to the allowed claims do not raise any new substantive issues that would require further consideration and/or search.

In addition, new claims 23-32 were proposed to take into account the proposed amendments to claim 1, specifically to reintroduce claims directed to the limitation removed from claim 1 by the present amendment.

A personal interview was conducted by Applicant's attorney with the Examiner on June 11, 2003, at which time the Examiner confirmed that there actually was no problem with regard to the allowability of claims 23-32, as they were dependent from allowable claims. It was also agreed that claim 22 would be canceled by the present amendment, to thereby avoid outstanding issues regarding this claim. It was agreed at the time of the interview that, upon cancellation of claim 22, the application would be in condition for allowance.

This application is presently on appeal and it is desired to place the application fully in condition for allowance to avoid the need to proceed with a full appeal from the Examiner's final rejection. This amendment is submitted in order to resolve all outstanding issues in this application, including the issues mentioned in the Examiner's Advisory Action of May 6, 2003 and to place the application in condition for passing to issue.

It is respectfully submitted that entry of the amendment is appropriate pursuant to 37 C.F.R. § 1.116.

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**AMENDMENT**

The following amendment is proposed under 37 C.F.R. § 1.116 to place the application in condition for allowance.

In the amendments that follow, any amendments to or cancellation of claims is made without prejudice or disclaimer, and applicant reserves all rights to the original disclosed and claimed subject matter contained in this application, and any previously proposed claims.

The amendments to the claims are presented in the form of a LIST OF CURRENT CLAIMS listing the current status of all claims in the application and showing all amendments made to the claims currently in the application.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: THIERS

SERIAL NO.: 09/805,234

FILED: March 14, 2001

FOR: FLOOR COVERING

GROUP ART UNIT: 3635

EXAMINER: McDermott

ATTY. REFERENCE: THIE3001/JEK

THE COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

HAND CARRY  
RESPONSE AFTER FINAL  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3635

Sir:

Transmitted herewith is a communication/amendment in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

The fee, if any, has been calculated as shown below:

| Fee Basis  | Number of Claims After Amendment | Highest Number Previously Paid For | Extra Claims     | Small Entity | Full Fee         |
|--|----------------------------------|------------------------------------|------------------|--------------|------------------|
| Total Claims   | 27                               | - 27 <sup>1</sup>                  | = 0 <sup>3</sup> | × \$ 9 =     | × \$ 18 = \$0.00 |
| Independent Claims   | 4                                | - 4 <sup>2</sup>                   | = 0 <sup>3</sup> | × \$ 42 =    | × \$ 84 =        |
| <input type="checkbox"/> First Presentation of Proper Multiple Dependent Claim |                                  |                                    |                  | + \$140 =    | + \$280 =        |
| TOTAL  |                                  |                                    |                  |              | \$0.00           |

<sup>1</sup> If less than 20 enter 20.<sup>2</sup> If less than 3 enter 3.<sup>3</sup> If less than 0 enter 0.

- ☐ Please charge my Deposit Account Number 02-0200 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.
- ☐ A check in the amount of \$\_\_\_\_\_ is attached.
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is attached.
- ☐ Also enclosed is/are:

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PATENT TRADEMARK OFFICE

DATE: June 12, 2003

Respectfully submitted,

*[Signature]*  
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